

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/676,256

AMENDMENTS TO THE DRAWINGS

Applicant submits herewith 2 replacement formal sheets of drawings for Figures 16 and 17.

Attachment: 2 Replacement Sheets

REMARKS

Claims 1-13 have been examined. Claims 1-5 have been rejected under 35 U.S.C. § 102(b), and claim 6 has been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

The Examiner has objected to Figures 2, 16 and 17.

In regard to Figure 2, the Examiner maintains that element 38 is missing. Accordingly, Applicant has amended the specification in a manner believed to overcome the objection.

In regard to Figures 16 and 17, Applicant submits herewith 2 sheets of formal replacement drawings.

The Examiner has objected to the specification in regard to the description of Figure 3. Accordingly, Applicant has amended the specification in a manner believed to overcome the objection.

The Examiner has objected to claims 5 and 6 due to minor informalities. In regard to claim 5, the Examiner maintains that the “base member” lacks antecedent basis. However, claim 4, upon which claim 5 depends, recites the base member. Accordingly, Applicant submits that no amendment to claim 5 is necessary in this regard. In regard to claim 6, the Examiner maintains that it is unclear, in light of the specification, how the integrated circuit is fixed to the base member. However, Applicant submits that in view of the non-limiting embodiment on page 12, lines 20-25, page 13, lines 18-24, and the non-limiting embodiment of Figure 2 of the present Application, it is clear to one skilled in the art how the integrated circuit is fixed to the base

member. Further, since it would be clear to one skilled in the art, Applicant submits that further amendments to the claim would unduly narrow the claim scope.

Further, the Examiner has objected to claims 7-13 under 37 C.F.R. § 1.75(c) as being in improper dependent form. Accordingly, Applicant has amended claims 7-13 in a manner believed to overcome the objection. Examination on the merits of claims 7-13 is respectfully requested.

II. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,381,171 to Hosono et al. (“Hosono”)

The Examiner has rejected claims 1-5 under 35 U.S.C. § 102(b) as allegedly being anticipated by Hosono.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that at least one of a pair of unit fixing parts has a plurality of inactive parts incapable of performing piezoelectric deformation, and that are formed integrally with active parts.

The Examiner maintains that the fixing substrate 8 discloses the claimed “pair of unit fixing parts.” However, there is only “one” fixing substrate 8. There is no “pair” of substrates 8 taught or disclosed in the reference.

Further, since there is no pair of fixing substrates 8, there is likewise not a single “one” of the pair that comprises a plurality of inactive parts that are formed integrally with the active parts, as recited in claim 1. Rather, the fixing substrate 8 only touches the active portion 15 of

the piezoelectric vibrators 9. For example, the sides of the fixing substrate 8 are removed away to form chamfered portions 12, and only a flat portion 13 of the fixing substrate 8, which constitutes the remaining portion of the surface of fixing substrate 8, contacts with active regions 15 of the piezoelectric vibrators (Figs. 2 and 3b, col. 3, lines 3-13). Accordingly, since the only *remaining* portion of the fixing substrate 8 that opposes the piezoelectric vibrators 9, is the portion 13 that contacts with the active region 15, there is no “plurality of *inactive* parts” of the substrate 8. In other words, the non-existent or removed sides of the fixing substrate 8 do not constitute a plurality of inactive “parts,” and a non-existent or removed feature further cannot be said to be “formed integrally with” the active region 15 of Hosono, as recited in claim 1.

In view of the above, Applicant submits that claim 1 is patentable over the cited reference and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2-5

Since claims 3-5 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

In addition, since claim 2 has been canceled, without prejudice or disclaimer, and has been incorporated into claim 1, Applicant refers the Examiner to the arguments presented above.

III. Rejection under 35 U.S.C. § 103(a) in view of Hosono and U.S. Patent No. 6,664,716 to Cuhat et al. (“Cuhat”)

The Examiner has rejected claim 6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hosono in view of Cuhat. However, since claim 6 is dependent upon claim 1,

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and Cuhat fails to cure the deficient teachings of Hosono, in regard to claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


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